

# JOURNAL OF THE HOUSE

First Extraordinary Session, 91st GENERAL ASSEMBLY

---

FOURTH DAY, MONDAY, SEPTEMBER 10, 2001

Speaker Kreider in the Chair.

Prayer by Father David Buescher.

Dear God, the challenge of this special session needs divine perspective. We pray for that. We count on that. There are so many difficult decisions to be made and important votes to be cast in these few days. The list is long, the issues thorny. We now pause for this brief moment, and try to sense how near You really are. May we then enthusiastically go on to the tasks at hand, pregnant with Your compassionate wisdom, motivated by Your direction, and moved by Your strength. Amen.

The Pledge of Allegiance to the flag was recited.

The Journals of the first day and second day were approved as corrected, and the Journal of the third day was approved as printed.

Representative Crump suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 149

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Bray 84	Britt	Brooks
Burcham	Burton	Byrd	Carnahan	Champion
Cierpiot	Clayton	Coleman	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Curls
Daus	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Ford	Franklin
Fraser	Froelker	Gambaro	Gaskill	Graham
Gratz	Green 15	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Harlan	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hosmer
Hunter	Jetton	Johnson 90	Jolly	Kelley 47
Kelly 144	Kelly 27	Kelly 36	Kennedy	King
Koller	Lawson	Legan	Levin	Liese
Linton	Long	Lowe	Luetkemeyer	Luetkenhaus
Marble	Marsh	May 149	Mayer	Mays 50
McKenna	Merideth	Miller	Monaco	Moore
Murphy	Myers	Naeger	Nordwald	O'Connor
O'Toole	Ostmann	Overschmidt	Phillips	Quinn

## 14 *Journal of the House*

Ransdall	Rector	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Rizzo	Roark
Robirds	Ross	Scheve	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton	Shields
Shoemyer	Skaggs	Smith	St. Onge	Surface
Thompson	Townley	Treadway	Villa	Vogel
Wagner	Walton	Ward	Whorton	Williams
Willoughby	Wilson 25	Wilson 42	Mr. Speaker	

NOES: 000

PRESENT: 001

Wright

ABSENT WITH LEAVE: 012

Baker	Boykins	Campbell	George	Green 73
Hoppe	Johnson 61	Lograsso	Portwood	Purgason
Troupe	Van Zandt			

VACANCIES: 001

### PERFECTION OF HOUSE BILLS

**HCS HB 3**, relating to the Pharmaceutical Investment Program, was taken up by Representative Abel.

Representative Abel moved that Rule 49(d) be suspended for the purpose of offering **HS HCS HB 3**.

Which motion was adopted by the following vote:

AYES: 129

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bonner	Boucher
Bowman	Bray 84	Britt	Brooks	Burton
Carnahan	Champion	Cierpiot	Clayton	Coleman
Copenhaver	Crawford	Crump	Curls	Daus
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Foley	Ford	Franklin	Fraser
Froelker	Gambaro	Gaskill	Graham	Gratz
Green 15	Griesheimer	Hagan-Harrell	Hampton	Harding
Harlan	Hartzler	Haywood	Hegeman	Hendrickson
Hickey	Hilgemann	Hollingsworth	Holt	Hosmer
Johnson 90	Jolly	Kelly 144	Kelly 27	Kelly 36
Kennedy	Koller	Lawson	Legan	Liese
Long	Lowe	Luetkemeyer	Luetkenhaus	Marsh
May 149	Mayer	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Murphy	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Phillips	Quinn	Ransdall	Rector
Reid	Relford	Reynolds	Richardson	Ridgeway
Rizzo	Robirds	Ross	Scheve	Schwab

Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Shoemyer	Skaggs	Smith	Surface
Thompson	Townley	Treadway	Villa	Vogel
Wagner	Walton	Ward	Whorton	Williams
Willoughby	Wilson 25	Wilson 42	Mr. Speaker	

NOES: 022

Bartelsmeyer	Burcham	Byrd	Cooper	Crowell
Cunningham	Hanaway	Henderson	Hohulin	Holand
Hunter	Jetton	Kelley 47	King	Levin
Linton	Marble	Portwood	Reinhart	Roark
St. Onge	Wright			

PRESENT: 000

ABSENT WITH LEAVE: 011

Baker	Boykins	Campbell	George	Green 73
Hoppe	Johnson 61	Lograsso	Purgason	Troupe
Van Zandt				

VACANCIES: 001

Representative Abel offered **HS HCS HB 3**.

Representative Abel offered **House Amendment No. 1**.

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 3, Page 26, Section 208.550, Lines 2-7, by deleting all of said lines; and

Further amend said bill, page and section, Lines 21-24, by deleting all of said lines and delete Line 1 on Page 27.

On motion of Representative Abel, **House Amendment No. 1** was adopted.

Representative Abel offered **House Amendment No. 2**.

**House Amendment No. 2** was withdrawn.

Representative Abel offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 3, Page 31, Section 208.556, Line 19, by inserting at the end of said line the following:

**“Individuals who have benefits with an actuarial value greater than or equal to the benefits in the program are not eligible for the program.”.**

On motion of Representative Abel, **House Amendment No. 2** was adopted.

Representative Naeger offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill No. 3, Page 30, Section 208.556, Line 11, by inserting the following:

**“; except that the Commission shall either administer the rebate program established in Section 208.565 or contract with the Division of Medical Services for the rebate program established in Section 208.565”;** and

Further amend said bill, Page 36, Section 208.562, Line 23, by deleting the word “cost” and inserting in lieu thereof the following: **“price”**; and

Further amend said bill, Page 37, Section 208.562, Line 2, by deleting the word “cost” and inserting in lieu thereof the following: **“price”**; and

Further amend said bill, Page 37, Section 208.565, by deleting all of said section and replacing it with the following:

- “208.565. 1. As used in sections 208.565, the following terms mean:**
- (a) "Direct seller", any person, partnership, corporation, institution or entity engaged in the selling of pharmaceutical products directly to consumers in this state;**
  - (b) "Distributor", a private entity under contract with the original labeler or holder of the national code number to manufacture, package or market the covered prescription drug;**
  - (c) "FDA", the Food and Drug Administration of the Public Health Services of the Department of Health and Human Services;**
  - (d) "Manufacturer", shall include:**
    - (1) An entity which is engaged in any of the following:**
      - a. The production, preparation, propagation, compounding, conversion or processing of prescription drug products:**
        - (i) Directly or indirectly by extraction from substances of natural origin;**
        - (ii) Independently by means of chemical synthesis; or**
        - (iii) By a combination of extraction and chemical synthesis;**
      - b. The packaging, repackaging, labeling or relabeling, or distribution of prescription drug products;**
    - (b) The entity holding legal title to or possession of the national drug code number for the covered prescription drug;**
    - (c) The term does not include a wholesale distributor of drugs, drugstore chain organization or retail pharmacy licensed by the state;**
    - (e) "Unit", a drug unit in the lowest identifiable amount, such as tablet or capsule for solid dosage forms, milliliter for liquid forms and gram for ointments or creams. The manufacturer shall specify the unit for each dosage form and strength of each covered prescription drug in accordance with the instructions developed by the Center for Medicare and Medicaid Services (CMS) for purposes of the Federal Medicaid Rebate Program under section 1927 of Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. section 301 et seq.);**
    - (f) "Wholesaler", any person, partnership, corporation, institution or entity to which the manufacturer sells the covered prescription drug, including a pharmacy or chain of pharmacies.**
    - (g) "National drug code number", the identifying drug number maintained by the FDA. The complete eleven-digit number must include the labeler code, product code and package size code;**
    - (h) "New drug", a covered prescription drug approved as a new drug under section 201(p) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. S 321(p));**
  - 2. The division shall issue a certificate of participation to pharmaceutical manufacturers participating in the PIPS. A pharmaceutical manufacturer may apply for participation in the program with an application form prescribed by the commission. A certificate of participation shall remain in effect for an initial period of not less than one year and shall be automatically renewed unless terminated by either the manufacturer or the state with sixty days notification.**

3. The division shall negotiate with participating manufacturers for the amount of rebates. The rebate amount for each unit dispensed of brand name drug shall be no less than fifteen percent of the average manufacturers' price as defined pursuant to 42 U.S.C. 1396r-8(k)(1). No other discounts shall apply. The rebate amount for each unit dispensed of generic drug shall be no less than eleven percent. No other discounts shall apply. In order to receive a certificate of participation a manufacturer or distributor participating in the PIPS shall provide the division of aging the average manufacturers' price for their contracted products. The following shall apply to the providing of average manufacturers' price information to the division of aging:

(1) Any manufacturer or distributor with an agreement under this section that knowingly provides false information is subject to a civil penalty in an amount not to exceed one hundred thousand dollars for each provision of false information. Such penalties shall be in addition to other penalties as prescribed by law;

(2) Notwithstanding any other provision of law, information disclosed by manufacturers or wholesalers pursuant to this subsection or under an agreement with the division pursuant to section 208.565 is confidential and shall not be disclosed by the division or any other state agency or contractor therein in any form which discloses the identity of a specific manufacturer or wholesaler or prices charged for drugs by such manufacturer or wholesaler, except to permit the state auditor to review the information provided and the division of medical services for rebate administration.

4. All rebates received through the program shall be used toward refunding the program. If a pharmaceutical manufacturer refuses to participate in the rebate program, such refusal shall not affect the manufacturer's status under the current Medicaid program.

5. Any prescription drug of a manufacturer that does not participate in the program shall not be paid for by the program.”; and

Further amend the title, enacting clause and intersectional references accordingly.

On motion of Representative Naeger, **House Amendment No. 3** was adopted.

Representative Naeger offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill No. 3, Page 6, Section 208.010, Lines 6-12, by deleting all of said lines and inserting the following:

“(4) Owns or possesses resources in the sum of :

(a) **Prior to July 1, 2002**, one thousand dollars or more; provided, however, that if such a person is married and living with spouse, he or she, or they, individually or jointly, may own resources not to exceed two thousand dollars;

(b) **On July 1, 2002 and thereafter, one thousand five hundred dollars; provided, however, that if such person is married and living with a spouse, he or she, or they, individually or jointly, may own resources not to exceed two thousand five hundred dollars;**

and provided further that in the case of a temporary assistance for needy families claimant, the provision of this subsection shall not apply;”; and

Further amend said bill, Page 22, Section 208.151, Line 16, by inserting after the word “**level**” the following: “**on July 1, 2002.**”.

Representative Hosmer offered **House Substitute Amendment No. 1 for House Amendment No. 4**.

*House Substitute Amendment No. 1*  
for  
*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill No. 3, Page 6, Section 208.010, Lines 6-12, by deleting all of said lines and inserting the following:

“(4) Owns or possesses resources in the sum of :

(a) **Prior to July 1, 2002**, one thousand dollars or more; provided, however, that if such a person is married and living with spouse, he or she, or they, individually or jointly, may own resources not to exceed two thousand dollars;

(b) **On July 1, 2002 and thereafter, two thousand five hundred dollars; provided, however, that if such person is married and living with a spouse, he or she, or they, individually or jointly, may own resources not to exceed four thousand five hundred dollars;**

and provided further that in the case of a temporary assistance for needy families claimant, the provision of this subsection shall not apply;” and

Further amend said bill, Page 22, Section 208.151, Line 16, by inserting after the word “**level**” the following: “**on July 1, 2002.**”.

On motion of Representative Hosmer, **House Substitute Amendment No. 1 for House Amendment No. 4** was adopted by the following vote:

AYES: 125

Ballard	Barnett	Barry 100	Bartle	Bearden
Behnen	Berkowitz	Berkstresser	Black	Bland
Boatright	Bonner	Boucher	Bowman	Bray 84
Britt	Brooks	Burcham	Burton	Carnahan
Champion	Cierpiot	Clayton	Cooper	Copenhaver
Crawford	Crowell	Cunningham	Curls	Daus
Davis	Dempsey	Dolan	Enz	Fares
Fraser	Gambaro	Gaskill	Graham	Gratz
Green 15	Griesheimer	Hagan-Harrell	Hampton	Hanaway
Harding	Hartzler	Haywood	Hegeman	Henderson
Hendrickson	Hickey	Hilgemann	Hohulin	Holand
Hollingsworth	Holt	Hosmer	Hunter	Jetton
Johnson 90	Jolly	Kelley 47	Kelly 144	Kelly 27
Kelly 36	Kennedy	King	Lawson	Levin
Liese	Linton	Lowe	Luetkemeyer	Luetkenhaus
Marble	Marsh	May 149	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Phillips	Portwood	Quinn	Ransdall
Rector	Reid	Reinhart	Reynolds	Ridgeway
Rizzo	Robirds	Ross	Scheve	Scott
Seigfreid	Selby	Shelton	Shields	Shoemyer
Skaggs	St. Onge	Surface	Thompson	Treadway
Vogel	Wagner	Walton	Ward	Whorton
Willoughby	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 021

Abel	Barnitz	Bartelsmeyer	Byrd	Coleman
Crump	Farnen	Foley	Franklin	Froelker
Koller	Legan	Naeger	Relford	Richardson
Roark	Schwab	Secrest	Smith	Townley
Villa				

PRESENT: 000

ABSENT WITH LEAVE: 016

Baker	Boykins	Campbell	Ford	George
Green 73	Harlan	Hoppe	Johnson 61	Lograsso
Long	Mayer	Purgason	Troupe	Van Zandt
Williams				

VACANCIES: 001

Representative Smith assumed the Chair.

Representative Portwood offered **House Amendment No. 5.**

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for House Bill No. 3, Page 33, Section 208.556, Lines 7-11, by deleting all of said lines.

On motion of Representative Portwood, **House Amendment No. 5** was adopted.

Representative Reid offered **House Amendment No. 6.**

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for House Bill No. 3, Page 36, Section 208.559, Line 2 of said page, by inserting after the year "**2002.**" the following:

**"A second initial enrollment period shall be held from November 1, 2002, through December 15, 2002, to allow persons who did not enroll during the April through May 2002 enrollment period to enroll with the program for calendar year 2003. Current enrollees in the program shall not be required to reenroll during the second initial enrollment period for calendar year 2003."**; and

Further amend said title, enacting clause and intersectional references accordingly.

On motion of Representative Reid, **House Amendment No. 6** was adopted by the following vote:

AYES: 128

Ballard	Barnett	Barnitz	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bonner	Boucher
Bray 84	Britt	Burcham	Burton	Byrd

Carnahan	Champion	Cierpiot	Clayton	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Curls	Daus	Dempsey	Dolan	Enz
Fares	Fraser	Froelker	Gambaro	Gaskill
Graham	Gratz	Green 15	Griesheimer	Hampton
Hanaway	Harding	Harlan	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Holt	Hunter	Jetton
Johnson 90	Jolly	Kelley 47	Kelly 144	Kelly 27
Kelly 36	Kennedy	King	Lawson	Legan
Levin	Linton	Lowe	Luetkemeyer	Luetkenhaus
Marble	Marsh	May 149	Mayer	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Naeger	Nordwald	O'Toole	Ostmann
Phillips	Portwood	Quinn	Ransdall	Rector
Reid	Reinhart	Reynolds	Richardson	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shields	Shoemyer	Skaggs	Smith	St. Onge
Surface	Thompson	Townley	Treadway	Vogel
Walton	Ward	Whorton	Willoughby	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 020

Abel	Bowman	Brooks	Coleman	Davis
Farnen	Foley	Franklin	Hagan-Harrell	Hollingsworth
Hosmer	Koller	Liese	Mays 50	O'Connor
Overschmidt	Relford	Shelton	Villa	Wagner

PRESENT: 000

ABSENT WITH LEAVE: 014

Baker	Boykins	Campbell	Ford	George
Green 73	Hoppe	Johnson 61	Lograsso	Long
Purgason	Troupe	Van Zandt	Williams	

VACANCIES: 001

Representative Holand offered **House Amendment No. 7.**

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for House Bill No. 3, Page 31, Section 208.556, Lines 3 through 5, by deleting all of said lines and inserting in lieu thereof the following:

**"subsection 4 of this section, and who has a household income at or below twelve thousand dollars for an individual or seventeen thousand dollars for a married couple is eligible to"; and**

Further amend said bill, Page 32, Section 208.556, Lines 8 through 13, by deleting all of said lines and inserting in lieu thereof the following: **" five dollar enrollment fee to offset the administrative costs of the program.";** and

Further amend said bill, Page 33, Section 208.556, Lines 1 through 6, by deleting all of said lines and inserting in lieu thereof the following:



"(3) A catastrophic prescription benefit is also hereby established. Eligibility shall be limited to the following:

1. Persons over the age of sixty-five years,
2. Who have documented prescription drug costs exceeding twenty-five percent of their documented annual household income, as defined in section 208.550, on a quarterly basis. The individual's annual household income minus the amount expended on prescription drugs must be equal to or less than the limit required to qualify for participation in the program, pursuant to section 208.556
3. Eligibility for the catastrophic prescription benefit may be renewed quarterly, consistent with these qualifications."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Portwood offered **House Substitute Amendment No. 1 for House Amendment No. 7.**

*House Substitute Amendment No. 1  
for  
House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for House Bill No. 3, Page 32, Section 208.556, Line 13, by inserting the following:

**"Any senior in the state of Missouri may enroll in the program. After exceeding 25% of their annual household income or prescription drugs as a deductible, a senior may qualify for the program during a program year when their household income as defined in Section 135.010, RSMo, minus the amount expended on prescription drugs is equal to or less than the limit required to qualify for participation in the program pursuant to Section 208.556."**

Representative Portwood moved that **House Substitute Amendment No. 1 for House Amendment No. 7** be adopted.

Which motion was defeated by the following vote:

AYES: 065

Ballard	Barnett	Bartle	Bearden	Behnen
Berkstresser	Boatright	Burcham	Byrd	Champion
Cierpiot	Cooper	Crawford	Crowell	Cunningham
Dempsey	Enz	Fares	Froelker	Gaskill
Griesheimer	Hanaway	Hartzler	Hegeman	Henderson
Hendrickson	Hohulin	Holand	Hosmer	Jetton
Kelley 47	Kelly 144	King	Lawson	Levin
Linton	Luetkemeyer	Marble	Marsh	May 149
Mayer	Miller	Monaco	Murphy	Myers
Nordwald	Phillips	Portwood	Quinn	Rector
Reid	Reinhart	Richardson	Ridgeway	Roark
Robirds	Ross	Schwab	Scott	Secrest
Shields	St. Onge	Surface	Vogel	Wright

NOES: 080

Abel	Barnitz	Barry 100	Bartelsmeyer	Berkowitz
Black	Bland	Bonner	Boucher	Bowman
Bray 84	Britt	Brooks	Burton	Carnahan

Clayton	Coleman	Copenhaver	Curls	Daus
Davis	Dolan	Farnen	Foley	Franklin
Fraser	Gambaro	Graham	Gratz	Green 15
Hagan-Harrell	Hampton	Harding	Harlan	Haywood
Hickey	Hilgemann	Hollingsworth	Holt	Johnson 90
Jolly	Kelly 27	Kelly 36	Kennedy	Koller
Legan	Liese	Lowe	Luetkenhaus	Mays 50
McKenna	Merideth	Moore	Naeger	O'Connor
O'Toole	Ostmann	Overschmidt	Ransdall	Relford
Reynolds	Rizzo	Scheve	Seigfreid	Selby
Shelton	Shoemyer	Skaggs	Smith	Thompson
Treadway	Villa	Wagner	Walton	Ward
Whorton	Willoughby	Wilson 25	Wilson 42	Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 017

Baker	Boykins	Campbell	Crump	Ford
George	Green 73	Hoppe	Hunter	Johnson 61
Lograsso	Long	Purgason	Townley	Troupe
Van Zandt	Williams			

VACANCIES: 001

**House Amendment No. 7** was withdrawn.

Representative Levin offered **House Amendment No. 8**.

Representative Foley raised a point of order that **House Amendment No. 8** goes beyond the scope of the bill.

Representative Smith requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Marble offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for House Bill No. 3, Page 32, Section 208.556, Line 17, by inserting before the word “deductible” the word “**annual**” on said line.

On motion of Representative Marble, **House Amendment No. 8** was adopted.

On motion of Representative Abel, **HS HCS HB 3, as amended**, was adopted.

On motion of Representative Abel, **HS HCS HB 3, as amended**, was ordered perfected and printed.

**HCS HBs 5, 1 & 2**, relating to federal income tax deduction, was taken up by Representative Kennedy.

Representative Kennedy moved that Rule 49(d) be suspended for the purpose of offering **HS HCS HBs 5, 1 & 2**.

Which motion was adopted by the following vote:

AYES: 118

Abel	Ballard	Barnitz	Barry 100	Bearden
Behnen	Berkowitz	Berkstresser	Black	Bland
Boatright	Bonner	Boucher	Bowman	Bray 84
Britt	Brooks	Burton	Carnahan	Champion
Clayton	Coleman	Copenhaver	Crawford	Crump
Curls	Daus	Davis	Dolan	Enz
Fares	Farnen	Foley	Franklin	Fraser
Froelker	Gambaro	Gaskill	Graham	Gratz
Green 15	Griesheimer	Hagan-Harrell	Hampton	Harding
Harlan	Hartzler	Haywood	Hegeman	Hendrickson
Hickey	Hilgemann	Holand	Hollingsworth	Holt
Johnson 90	Jolly	Kelly 144	Kelly 27	Kelly 36
Kennedy	King	Koller	Lawson	Legan
Levin	Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
Myers	Naeger	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Phillips	Portwood	Quinn
Ransdall	Reid	Relford	Richardson	Rizzo
Robirds	Scheve	Schwab	Scott	Seigfreid
Selby	Shelton	Shields	Shoemyer	Skaggs
Surface	Thompson	Treadway	Villa	Vogel
Wagner	Walton	Ward	Whorton	Willoughby
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 018

Bartelsmeyer	Bartle	Burcham	Byrd	Cooper
Crowell	Cunningham	Dempsey	Hanaway	Henderson
Hohulin	Jetton	Kelley 47	Rector	Reynolds
Roark	Secrest	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 026

Baker	Barnett	Boykins	Campbell	Cierpiot
Ford	George	Green 73	Hoppe	Hosmer
Hunter	Johnson 61	Liese	Linton	Lograsso
Long	Purgason	Reinhart	Ridgeway	Ross
Smith	St. Onge	Townley	Troupe	Van Zandt
Williams				

VACANCIES: 001

Representative Kennedy offered **HS HCS HBs 5, 1 & 2**.

On motion of Representative Kennedy, **HS HCS HBs 5, 1 & 2** was adopted.

On motion of Representative Kennedy, **HS HCS HBs 5, 1 & 2** was ordered perfected and printed.

On motion of Representative Crump, the House recessed until 8:00 p.m.

The hour of recess having expired, the House was called to order by Speaker Kreider.

### **COMMITTEE REPORT**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules, and Bills Perfected and Printed, to which was referred **HS HCS HB 3** and **HS HCS HBs 5, 1 & 2**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HS HCS HB 3** - Fiscal Review and Government Reform (Fiscal Note)

**HS HCS HBs 5, 1 & 2** - Fiscal Review and Government Reform (Fiscal Note)

### **COMMITTEE REPORTS**

**Committee on Fiscal Review and Government Reform**, Chairman Hollingsworth reporting:

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HS HCS HB 3 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HS HCS HBs 5, 1 & 2 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

### **PERFECTION OF HOUSE BILL**

**HCS HB 4**, relating to livestock marketing, was taken up by Representative Shoemyer.

Representative Shoemyer moved that Rule 49(d) be suspended for the purpose of offering **HS HCS HB 4**.

Which motion was adopted by the following vote:

AYES: 118

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Behnen	Berkowitz	Berkstresser	Black
Bland	Boatright	Bonner	Boucher	Bowman
Bray 84	Britt	Brooks	Burcham	Burton
Carnahan	Champion	Clayton	Coleman	Copenhaver
Crawford	Crump	Curls	Daus	Davis
Dempsey	Dolan	Enz	Farnen	Foley
Fraser	Froelker	Gaskill	Graham	Gratz
Green 15	Griesheimer	Hagan-Harrell	Hampton	Harding
Harlan	Hartzler	Haywood	Hegeman	Hendrickson
Hickey	Hilgemann	Holand	Hollingsworth	Holt
Hosmer	Johnson 90	Jolly	Kelly 144	Kelly 27
Kelly 36	Kennedy	King	Koller	Lawson
Legan	Levin	Liese	Lowe	Luetkemeyer
Luetkenhaus	Marble	Marsh	May 149	Mayer
Mays 50	McKenna	Merideth	Miller	Monaco
Moore	Murphy	Myers	Naeger	Nordwald
O'Connor	Ostmann	Quinn	Ransdall	Reid
Relford	Reynolds	Rizzo	Robirds	Ross
Schwab	Scott	Seigfreid	Selby	Shelton
Shields	Shoemyer	Skaggs	Smith	Surface
Thompson	Townley	Treadway	Villa	Vogel
Wagner	Walton	Ward	Whorton	Willoughby
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 024

Bartle	Bearden	Byrd	Cierpiot	Cooper
Crowell	Cunningham	Fares	Hanaway	Henderson
Hohulin	Hunter	Jetton	Kelley 47	Phillips
Portwood	Rector	Reinhart	Richardson	Ridgeway
Roark	Secrest	St. Onge	Wright	

PRESENT: 000

ABSENT WITH LEAVE: 020

Baker	Boykins	Campbell	Ford	Franklin
Gambaro	George	Green 73	Hoppe	Johnson 61
Linton	Lograsso	Long	O'Toole	Overschmidt
Purgason	Scheve	Troupe	Van Zandt	Williams

VACANCIES: 001

Representative Shoemyer offered **HS HCS HB 4**.

On motion of Representative Shoemyer, **HS HCS HB 4** was adopted.

On motion of Representative Shoemyer, **HS HCS HB 4** was ordered perfected and printed.

**COMMITTEE REPORT**

**Committee on Rules, Joint Rules, and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules, and Bills Perfected and Printed, to which was referred **HS HCS HB 4**, begs leave to report it has examined the same and finds it to be truly perfected and that the printed copies thereof furnished the members are correct.

Representative Monaco assumed the Chair.

**THIRD READING OF HOUSE BILLS**

**HS HCS HB 3**, relating to the Pharmaceutical Investment Program, was taken up by Representative Abel.

On motion of Representative Abel, **HS HCS HB 3** was read the third time and passed by the following vote:

AYES: 135

Abel	Barnett	Barnitz	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Bonner	Boucher	Bowman
Bray 84	Britt	Brooks	Burcham	Burton
Byrd	Carnahan	Champion	Cierpiot	Clayton
Coleman	Cooper	Copenhaver	Crawford	Crowell
Crump	Cunningham	Curls	Daus	Davis
Dempsey	Dolan	Enz	Fares	Farnen
Foley	Fraser	Gambaro	Gaskill	Graham
Gratz	Green 15	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Harlan	Haywood	Hegeman
Henderson	Hickey	Hilgemann	Holand	Hollingsworth
Holt	Hosmer	Jetton	Johnson 90	Jolly
Kelly 144	Kelly 27	Kelly 36	Kennedy	King
Koller	Lawson	Legan	Levin	Liese
Lowe	Luetkemeyer	Luetkenhaus	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Monaco	Moore	Murphy	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Phillips	Portwood	Quinn	Ransdall	Rector
Reid	Reinhart	Relford	Reynolds	Richardson
Ridgeway	Rizzo	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Treadway	Villa
Vogel	Wagner	Walton	Ward	Whorton
Willoughby	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 010

Ballard	Boatright	Froelker	Hendrickson	Hohulin
Hunter	Kelley 47	Marble	Roark	Townley

PRESENT: 000

ABSENT WITH LEAVE: 017

Baker	Boykins	Campbell	Ford	Franklin
George	Green 73	Hartzler	Hoppe	Johnson 61
Linton	Lograsso	Long	Purgason	Troupe
Van Zandt	Williams			

VACANCIES: 001

Representative Monaco declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 129

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Bonner	Boucher
Bowman	Bray 84	Brooks	Burton	Byrd
Carnahan	Champion	Cierpiot	Clayton	Coleman
Cooper	Copenhaver	Crawford	Crump	Cunningham
Curls	Daus	Davis	Dempsey	Enz
Fares	Farnen	Foley	Fraser	Gambara
Gaskill	Gratz	Green 15	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Harding	Harlan	Haywood
Hegeman	Henderson	Hickey	Hilgemann	Holand
Hollingsworth	Holt	Hosmer	Jetton	Johnson 90
Jolly	Kelly 144	Kelly 27	Kelly 36	Kennedy
King	Koller	Legan	Levin	Liese
Lowe	Luetkemeyer	Marsh	May 149	Mayer
Mays 50	McKenna	Merideth	Miller	Monaco
Moore	Murphy	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Phillips
Portwood	Quinn	Ransdall	Rector	Reid
Reinhart	Relford	Reynolds	Richardson	Ridgeway
Rizzo	Robirds	Ross	Scheve	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Shoemyer	Skaggs	Smith	St. Onge
Thompson	Townley	Treadway	Villa	Vogel
Wagner	Walton	Ward	Whorton	Willoughby
Wilson 25	Wilson 42	Wright	Mr. Speaker	

NOES: 007

Boatright	Hendrickson	Hohulin	Hunter	Kelley 47
Marble	Roark			

PRESENT: 000

ABSENT WITH LEAVE: 026

Baker	Boykins	Britt	Burcham	Campbell
Crowell	Dolan	Ford	Franklin	Froelker
George	Graham	Green 73	Hartzler	Hoppe

Johnson 61	Lawson	Linton	Lograsso	Long
Luetkenhaus	Purgason	Surface	Troupe	Van Zandt
Williams				

VACANCIES: 001

**HS HCS HBs 5, 1 & 2**, relating to federal income tax deduction, was taken up by Representative Kennedy.

On motion of Representative Kennedy, **HS HCS HBs 5, 1 & 2** was read the third time and passed by the following vote:

AYES: 132

Abel	Ballard	Barnett	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bonner	Bowman
Britt	Burton	Byrd	Carnahan	Champion
Cierpiot	Clayton	Coleman	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Curls
Davis	Dempsey	Dolan	Enz	Fares
Foley	Fraser	Froelker	Gambaro	Gaskill
Graham	Gratz	Green 15	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Harding	Haywood	Hegeman
Henderson	Hendrickson	Hickey	Hilgemann	Hohulin
Holand	Hollingsworth	Holt	Hosmer	Hunter
Jetton	Johnson 90	Jolly	Kelley 47	Kelly 144
Kelly 27	Kelly 36	Kennedy	King	Koller
Lawson	Legan	Levin	Liese	Luetkemeyer
Luetkenhaus	Marble	Marsh	May 149	Mayer
Mays 50	McKenna	Merideth	Miller	Monaco
Moore	Murphy	Myers	Naeger	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Phillips
Portwood	Quinn	Ransdall	Rector	Reid
Reinhart	Relford	Richardson	Ridgeway	Rizzo
Roark	Robirds	Ross	Scheve	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Shoemyer	Skaggs	Smith	St. Onge
Surface	Thompson	Townley	Treadway	Villa
Vogel	Wagner	Ward	Whorton	Willoughby
Wright	Mr. Speaker			

NOES: 012

Boucher	Bray 84	Brooks	Burcham	Daus
Farnen	Harlan	Lowe	Reynolds	Walton
Wilson 25	Wilson 42			

PRESENT: 000

ABSENT WITH LEAVE: 018

Baker	Barnitz	Boykins	Campbell	Ford
Franklin	George	Green 73	Hartzler	Hoppe
Johnson 61	Linton	Lograsso	Long	Purgason
Troupe	Van Zandt	Williams		



VACANCIES: 001

Representative Monaco declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 133

Abel	Ballard	Barnett	Barry 100	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Bland	Boatright	Bonner	Bowman
Britt	Burcham	Burton	Byrd	Carnahan
Champion	Cierpiot	Clayton	Coleman	Cooper
Copenhaver	Crawford	Crowell	Crump	Cunningham
Curls	Davis	Dempsey	Dolan	Enz
Fares	Foley	Fraser	Froelker	Gambaro
Gaskill	Graham	Gratz	Green 15	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Harding	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Hollingsworth	Holt	Hosmer
Hunter	Jetton	Johnson 90	Jolly	Kelley 47
Kelly 144	Kelly 27	Kelly 36	Kennedy	King
Koller	Lawson	Legan	Levin	Liese
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Monaco	Moore	Murphy	Myers	Naeger
Nordwald	O'Connor	O'Toole	Ostmann	Overschmidt
Phillips	Portwood	Quinn	Ransdall	Rector
Reid	Reinhart	Relford	Richardson	Ridgeway
Rizzo	Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Villa	Vogel	Ward	Whorton	Willoughby
Wilson 25	Wright	Mr. Speaker		

NOES: 011

Boucher	Bray 84	Brooks	Daus	Farnen
Harlan	Lowe	Reynolds	Wagner	Walton
Wilson 42				

PRESENT: 000

ABSENT WITH LEAVE: 018

Baker	Barnitz	Boykins	Campbell	Ford
Franklin	George	Green 73	Hartzler	Hoppe
Johnson 61	Linton	Lograsso	Long	Purgason
Troupe	Van Zandt	Williams		

VACANCIES: 001

**HS HCS HB 4**, relating to livestock marketing, was taken up by Representative Shoemyer.

On motion of Representative Shoemyer, **HS HCS HB 4** was read the third time and passed by the following vote:

AYES: 097

Abel	Barry 100	Bearden	Berkowitz	Black
Bland	Bonner	Boucher	Bowman	Britt
Brooks	Burton	Byrd	Carnahan	Cierpiot
Clayton	Coleman	Copenhaver	Crump	Curls
Daus	Davis	Fares	Farnen	Foley
Fraser	Gambara	Graham	Gratz	Green 15
Hagan-Harrell	Hampton	Harding	Haywood	Hegeman
Hickey	Hilgemann	Holand	Hollingsworth	Holt
Hosmer	Johnson 90	Jolly	Kelly 144	Kelly 27
Kelly 36	Kennedy	King	Koller	Lawson
Legan	Liese	Lowe	Luetkemeyer	Luetkenhaus
Marsh	May 149	Mays 50	McKenna	Merideth
Moore	Myers	Nordwald	O'Connor	O'Toole
Ostmann	Overschmidt	Ransdall	Rector	Reid
Relford	Reynolds	Ridgeway	Rizzo	Robirds
Ross	Scheve	Schwab	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
St. Onge	Thompson	Townley	Treadway	Villa
Wagner	Walton	Ward	Whorton	Willoughby
Wilson 25	Wilson 42			

NOES: 047

Ballard	Barnett	Bartelsmeyer	Bartle	Behnen
Berkstresser	Boatright	Bray 84	Burcham	Champion
Cooper	Crawford	Crowell	Cunningham	Dempsey
Dolan	Enz	Froelker	Gaskill	Griesheimer
Hanaway	Harlan	Henderson	Hendrickson	Hohulin
Hunter	Jetton	Kelley 47	Levin	Marble
Mayer	Miller	Monaco	Murphy	Naeger
Phillips	Portwood	Quinn	Reinhart	Richardson
Roark	Scott	Secrest	Surface	Vogel
Wright	Mr. Speaker			

PRESENT: 000

ABSENT WITH LEAVE: 018

Baker	Barnitz	Boykins	Campbell	Ford
Franklin	George	Green 73	Hartzler	Hoppe
Johnson 61	Linton	Lograsso	Long	Purgason
Troupe	Van Zandt	Williams		

VACANCIES: 001

Representative Monaco declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 111

Abel	Ballard	Barnitz	Barry 100	Bartelsmeyer
Berkowitz	Berkstresser	Black	Bland	Bonner
Boucher	Bowman	Britt	Brooks	Burton
Byrd	Carnahan	Cierpiot	Clayton	Coleman
Copenhaver	Crump	Cunningham	Curls	Daus
Davis	Fares	Farnen	Foley	Fraser
Gambaro	Graham	Gratz	Green 15	Hagan-Harrell
Hampton	Hanaway	Harding	Haywood	Hegeman
Hickey	Hilgemann	Holand	Hollingsworth	Holt
Hosmer	Johnson 90	Jolly	Kelly 144	Kelly 27
Kelly 36	Kennedy	King	Koller	Lawson
Legan	Liese	Lowe	Luetkemeyer	Luetkenhaus
Marsh	May 149	Mays 50	McKenna	Merideth
Miller	Monaco	Moore	Murphy	Myers
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Overschmidt	Phillips	Ransdall	Rector	Reid
Reinhart	Relford	Reynolds	Ridgeway	Rizzo
Robirds	Ross	Scheve	Schwab	Scott
Seigfreid	Selby	Shelton	Shields	Shoemyer
Skaggs	Smith	St. Onge	Thompson	Townley
Treadway	Villa	Vogel	Wagner	Walton
Ward	Whorton	Willoughby	Wilson 25	Wilson 42
Mr. Speaker				

NOES: 033

Barnett	Bartle	Bearden	Behnen	Boatright
Bray 84	Burcham	Champion	Cooper	Crawford
Crowell	Dempsey	Dolan	Enz	Froelker
Gaskill	Griesheimer	Henderson	Hendrickson	Hohulin
Hunter	Jetton	Kelley 47	Levin	Marble
Mayer	Portwood	Quinn	Richardson	Roark
Secrest	Surface	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 018

Baker	Boykins	Campbell	Ford	Franklin
George	Green 73	Harlan	Hartzler	Hoppe
Johnson 61	Linton	Lograsso	Long	Purgason
Troupe	Van Zandt	Williams		

VACANCIES: 001

## MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 2**, entitled:

An act to repeal sections 277.203 and 277.212, RSMo, relating to livestock packers, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 3, 8 & 9**, entitled:

An act relating to individual income tax treatment of federal credit or advance refund of federal credit allowed to individual taxpayers under section 6428 of the Internal Revenue Code for tax year 2001, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 4, 1, 5 & 6**, entitled:

An act to repeal sections 135.095, 208.010 and 208.151, RSMo, relating to medical assistance for the elderly, and to enact in lieu thereof twelve new sections relating to the same subject, with a contingent effective date for a certain section, an expiration date and an emergency clause.

In which the concurrence of the House is respectfully requested.

### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 10:00 a.m., Tuesday, September 11, 2001.

### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, First Day, Wednesday, September 5, 2001, page 6, line 6, by inserting at the end of said line the name "Legan".

Correct House Journal Second Day, Thursday, September 6, 2001, page 9, line 13, by inserting at the end of said line the names "Moore and Portwood".

### **COMMITTEE MEETINGS**

#### **APPROPRIATIONS - TRANSPORTATION**

Thursday, September 13, 2001, 9:00 am. Hearing Room 4.

To get information from MODOT regarding personnel and safety.

#### **CHILDREN, FAMILIES, AND HEALTH**

Tuesday, September 11, 2001, 11:30 am. Hearing Room 5.

Executive Session will follow.

To be considered - SB 4

**JOINT COMMITTEE ON ADMINISTRATIVE RULES**

Thursday, September 13, 2001, 8:30 am. Senate Committee Room 2.  
13CSR 40-60.010 and 050. 11 CSR 40-5.065.

**JOINT COMMITTEE ON ECONOMIC DEVELOPMENT**

Tuesday, September 11, 2001, 8:00 am. Hearing Room 5. Enterprise Zones.  
Milan in Sullivan County, Butler in Bates County.  
Presentation by J. Driskill.  
Executive Session.

**JOINT COMMITTEE ON LEGISLATIVE RESEARCH**

Wednesday, September 12, 2001, 9:00 am. Hearing Room 1. Agenda.  
Set price for the 2001 Supplements to the Revised Statutes. Oversight interim report.

**JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT**

Thursday, September 13, 2001, 8:30 am. Hearing Room 1.  
Full committee meeting. County Employees' Retirement Fund.  
Subcommittee immediately following.

**SPECIAL COMMITTEE ON PRICE DISCRIMINATION**

Tuesday, September 11, 2001, 1:30 pm. Hearing Room 1.  
Executive Session may follow.  
To be considered - SB 2

**SUBCOMMITTEE ON APPROPRIATIONS - EDUCATION**

Wednesday, September 12, 2001, 8:00 am. Hearing Room 4.  
Presentation University of Missouri - Rolla.

**SUBCOMMITTEE ON PROFESSIONAL REGISTRATION & LICENSING**

Wednesday, September 12, 2001, 8:00 am. Hearing Room 7.  
Chapter 273 - Pet breeding regulations.

**WAYS AND MEANS**

Tuesday, September 11, 2001, 10:30 am. Hearing Room 7. AMENDED.  
Executive Session will follow.  
To be considered - SB 3

**HOUSE CALENDAR**

FIFTH DAY, TUESDAY, SEPTEMBER 11, 2001

**SENATE BILLS FOR SECOND READING**

SB 2

SCS SB 3, 8 & 9

SCS SB 4, 1, 5 & 6